

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DONITA PENDLETON,

Petitioner,

V.

JENNIFER MILLER,

Respondent.

No. 4:08CV1455 TIA


## ORDER OF DISMISSAL

Upon review of the Court file, plaintiff has failed to comply with the Court's order dated October 23, 2008, in that she has failed to pay the filing fee or file a motion to proceed in forma pauperis. Rule 41(b) of the Federal Rules of Civil Procedure permits the Court to dismiss a case for failure to prosecute or to comply with a Court order.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's complaint is **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(b).

Dated this 17th day of December, 2008.

  
 RODNEY W. SIPPEL  
 UNITED STATES DISTRICT JUDGE